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DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. François-Xavier NGOUBEYOU

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* E/CN.4/1994/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1994/L.11 and addenda.

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1994/57. Situation of human rights in Albania

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic Social and Cultural Rights,

Recalling its resolution 1993/65 of 10 March 1993,

Taking note of the report of the Secretary-General submitted pursuant to Commission resolution 1993/65 (E/CN.4/1994/75),

Welcoming the legislative and administrative measures taken by the Government of Albania to guarantee and promote the observance of human rights in Albania,

Welcoming also the willingness of the Government of Albania to cooperate with the Commission on Human Rights and the Centre for Human Rights,

1. Calls upon the Government of Albania to pursue its positive steps towards meeting the requirements under the International Bill of Human Rights and other relevant international instruments, by which the human rights and fundamental freedoms of all Albanian citizens, including the rights of persons belonging to minorities, will be effectively promoted and guaranteed;

2. Encourages technical cooperation between the Centre for Human Rights and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, on the one hand, and the Government of Albania, on the other, on the basis of the Agreement concluded on 13 February 1992;

3. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Albania and to invite it to provide information regarding its implementation,

(b) To report to the Commission at its fifty-first session on the implementation of the present resolution.

56th meeting
4 March 1994

[Adopted without a vote.]

1994/58. Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms, even under exceptional circumstances,

Recalling its resolution 1993/88 of 10 March 1993,

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1993/16 of 20 August 1993,

Having considered the reports of the Special Rapporteur on the question of torture (E/CN.4/1994/31), the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7),

Having considered also the report of the independent expert Mrs. Monica Pinto (E/CN.4/1994/10), and studied the conclusions and recommendations contained therein,

Welcoming the mobilization of the people of Guatemala, which has made possible the restoration of the constitutional order and the rule of law following the events of 25 May 1993, and which has led to the appointment as constitutional President of the Republic of Mr. Ramiro de León Carpio, whose work as Human Rights Procurator has been widely recognized by Guatemalan society,

Taking into account the fact that the continuation of the internal armed conflict is a factor affecting the human rights situation in Guatemala,

Taking note of the legal and institutional reforms introduced by the Government with a view to combating impunity and guaranteeing the full enjoyment of human rights and fundamental freedoms for everyone in Guatemala,

Concerned by the fact that there continue to be human rights violations attributed to members of the armed forces and security forces, and to the so-called voluntary civil self-defence committees,

Concerned also by the fact that situations of impunity continue to exist and that in cases of human rights violations there has been little progress in the investigations and/or judicial proceedings,

Concerned further at the situation of the displaced population in the areas affected by the internal armed conflict, especially in the so-called communities in resistance,

Regretting the serious human rights violations and marginalization that have been suffered by the indigenous populations in Guatemala,

Considering that the economic and social situation continues to have serious consequences, particularly for the indigenous populations and for the most vulnerable sectors of Guatemalan society, such as women and children,

Taking note with satisfaction of the process of repatriation of refugees that was initiated at the beginning of 1993,

Taking note also of the Framework Agreement for the resumption of the peace negotiations between the Government of Guatemala and Unidad Revolucionaria Nacional Guatemalteca, signed in Mexico City on 10 January 1994,

Expressing the hope that the will shown by the Government and by Unidad Revolucionaria Nacional Guatemalteca will lead to a prompt settlement of the internal armed conflict and will contribute to the establishment of firm and lasting peace, through the conclusion of the negotiations in the near future, including the signing of the human rights agreement, with international verification within the time-limits and on the terms agreed on by the parties, an agreement whose realization will contribute to full respect for the human rights of the whole of the Guatemalan people,

Recognizing the importance of the role that will be played by the representative of the Secretary-General as mediator in these negotiations, and of the participation of the Group of Friendly Countries composed of Colombia, Mexico, Norway, Spain, United States of America and Venezuela, and of civil society, on the terms established in the Framework Agreement,

Considering that it is necessary for the international community to continue to keep the human rights situation in Guatemala under review and to provide advisory services in the field of human rights, with the aim of promoting full

respect for human rights and fundamental freedoms and supporting the efforts of the Government of Guatemala to that end,

1. Takes note with appreciation of the report submitted by the independent expert;
2. Expresses its gratitude to the Government of Guatemala for the facilities and cooperation afforded to the independent expert;
3. Recognizes the efforts made by President Ramiro de León Carpio and urges him to continue to adopt the necessary urgent measures to consolidate the democratic institutions and to promote and protect human rights and fundamental freedoms;
4. Regrets that the undertaking by the Government of Guatemala to guarantee full enjoyment of human rights and fundamental freedoms has not yet assumed practical form through a more significant improvement, since serious violations of human rights continue to occur, particularly threats and intimidation and crimes against the lives and physical integrity of individuals;
5. Urges both parties to respect the applicable rules of international humanitarian law in the internal armed conflict and to refrain from any activities that may endanger the rights of the great majority of Guatemalans, who are not involved in this conflict;
6. Exhorts the Government of Guatemala to adopt the necessary legal and political measures to guarantee the independence of the Judiciary and respect for its decisions, to intensify investigations aimed at identifying and bringing to justice all those responsible for violations of human rights, to provide compensation for the victims of such violations, to ensure that the judicial system can operate with due protection being afforded to judges, investigators, witnesses and relatives of victims, and to facilitate the activities of organizations, both official and non-governmental, concerned with the promotion and protection of human rights;
7. Again exhorts the Government of Guatemala to continue to apply the independent expert's recommendations, such as the abolition of the system of voluntary civil self-defence committees, starting in those areas in which there is no armed conflict and in accordance with the criteria established in the peace negotiations, and also exhorts it to promote the approval by Congress of the new

law regulating the performance of military service and eliminating arbitrary recruitment practices;

8. Again appeals to the Government of Guatemala to intensify its efforts to ensure that all its authorities and the armed forces and security forces fully respect the human rights and fundamental freedoms of the Guatemalan people, and encourages it to include in the curricula and training programmes for personnel of the armed forces and security forces the

constitutional provisions and the international commitments undertaken by the Government of Guatemala in the field of human rights;

9. Again exhorts the Government of Guatemala to expedite and develop legal and institutional reforms to put an end to the violence and impunity, paying particular attention to the implementation of the legal standards guaranteeing the rights and freedoms of the indigenous peoples and the most vulnerable sectors of the population, including street children;

10. Expresses its conviction that the pre-eminence of civilian authority in the national decision-making process is an indispensable condition for the consolidation of the rule of law and the full realization of human rights, since it enables all sectors of Guatemalan society to support and respect civilian authority;

11. Recognizes the positive work done in defence of human rights by the Human Rights Procurator and exhorts the Government to give him support and to guarantee the conditions for the strengthening of his activities, inter alia, through the adoption of legislative measures to enable him to participate in proceedings relating to human rights violations;

12. Encourages the Government of Guatemala to provide the requisite facilities and adopt the necessary measures to ensure that the Presidential Commission on Human Rights (COPREDEH) is the focal point for the coordination of the Government's efforts to comply with its international obligations in the field of human rights;

13. Exhorts the Government of Guatemala to promote concrete activities that will enable the population to attain better living standards, giving priority to the economic and social development programmes, and to strengthen

policies and programmes concerning Guatemala's indigenous population, taking into account their proposals and aspirations, together with the independent expert's recommendations on the subject;

14. Encourages continuation of the refugee repatriation process, appeals to the competent authorities to ensure that this process continues with full consideration for the well-being and dignity of all affected persons, providing the necessary facilities for their prompt resettlement in their places of origin, and urges the parties concerned to comply strictly with the agreements reached on the subject since October 1992;

15. Urges the Government of Guatemala to assist the civilian population displaced by the internal armed conflict and to help them to form their communities;

16. Also urges the Government of Guatemala to consider the earliest possible ratification of the international human rights instruments to which it is not yet a party, in particular the International Labour Organisation's Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries;

17. Takes note with satisfaction of the Framework Agreement for the resumption of the peace negotiations between the Government of Guatemala and Unidad Revolucionaria Nacional Guatemalteca, signed on 10 January 1994, and pays tribute to the work of the representative of the Secretary-General as mediator and the efforts of the Group of Friendly Countries to advance the peace process;

18. Expresses the hope that the negotiations under way in Mexico City between the Government of Guatemala and Unidad Revolucionaria Nacional Guatemalteca will lead to the signing of a firm and lasting peace agreement in 1994;

19. Urges both parties, as part of this process, to reach substantive agreements on all items on the agenda, and to conclude and implement without delay the human rights agreement, with the corresponding machinery for international verification;

20. Requests the Secretary-General to continue to provide the Government of Guatemala and non-governmental organizations with advisory services in the field of human rights;

21. Also requests the Secretary-General to extend the mandate of the independent expert so that she may continue to examine the situation of human rights in Guatemala, provide assistance to the Government in the field of human rights, and submit to the Commission at its fifty-first session a report assessing the measures taken by the Government in accordance with the recommendations made to it;

22. Decides to consider the question at its fifty-first session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories" or the item entitled "Advisory services in the field of human rights", in the light of the adoption and application of specific and significant measures by the Government, the effectiveness of which will be assessed in the report of the independent expert on the situation of human rights in Guatemala.

56th meeting
4 March 1994

[Adopted without a vote.]

1994/59. Assistance to the Republic of Georgia
in the field of human rights

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling in particular its resolution 1993/85 of 10 March 1993, in which the Commission requested the Secretary-General to evaluate the needs for support and technical assistance in the field of human rights to the Government of Georgia,

Deeply concerned at the continued seriousness of the situation of human rights of inhabitants of Georgia, including Abkhazia,

Noting with satisfaction the efforts within the United Nations system in organizing missions to Georgia, including Abkhazia, to investigate abuses and human rights violations, which are being committed by all sides, and to initiate

a country programme of the Centre for Human Rights for technical assistance to Georgia, to be implemented in 1994,

Noting with appreciation the efforts of the personal representative of the Secretary-General to support a speedy political solution to the conflict in Georgia, including Abkhazia, at the peace talks in Geneva, as well as the positive contribution of the mission of the Conference on Security and Cooperation in Europe to the consolidation of an effective cease-fire in South Ossetia and Abkhazia,

1. Expresses its serious concern at the persistence of numerous and grave violations of human rights in Georgia, including Abkhazia, such as extrajudicial executions, torture and ill-treatment, including rape, inhuman or degrading treatment of prisoners, looting and burning of houses, and deportations of the civilian population;

2. Strongly condemns such reprehensible acts and abuses committed by troops or armed groups in Georgia, including Abkhazia;

3. Welcomes the willingness of the Government of Georgia to cooperate with the Commission on Human Rights and the Centre for Human Rights;

4. Urges the Government of Georgia and the authorities in Abkhazia to carry out investigations into all allegations of human rights violations, with a view to identifying and prosecuting those responsible;

5. Appeals to those in control of the territory of Abkhazia to implement and ensure law and order, to guarantee fully the enjoyment of human rights and to ensure the right of displaced persons to return to Abkhazia and to recover their property;

6. Encourages the Government of Georgia to continue to cooperate in the field of advisory services;

7. Encourages a speedy agreement on the country programme discussed between the Centre for Human Rights and the Government of Georgia and the provision of technical assistance to the Government of Georgia, including inter alia the following components: assistance in creating a national institution for the promotion and protection of human rights, a seminar on minority issues, needs assessment and reform of the system for the administration of justice and the penal code, and training of law enforcement officers, including police, military

and prison officers; implementation of the programme should be coordinated by a human rights officer to be posted in Georgia;

8. Decides to examine the question again at its fifty-first session.

56th meeting
4 March 1994

[Adopted without a vote.]

1994/60. Assistance to Somalia in the field of human rights

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Aware of the prevailing tragic circumstances in Somalia, particularly the loss of life and the breakdown of governmental authority which has resulted in the need for special measures to promote and protect human rights,

Recalling Security Council resolution 897 (1994) of 4 February 1994, as well as related Security Council resolutions and actions, General Assembly resolution 48/146 of 20 December 1993 and Commission on Human Rights resolution 1993/86 of 10 March 1993,

Commending the ongoing efforts in Somalia of the United Nations, its specialized agencies, the Organization of African Unity, humanitarian organizations and non-governmental organizations, as well as those of Governments,

Recognizing the role of African and other regional organizations, especially the Intergovernmental Authority on Drought and Development, and also the palpable efforts of the Organization of the Islamic Conference and the Arab League, in the settlement of the conflict in Somalia,

Recognizing also the negative impact the current situation is having on neighbouring countries, in particular through refugee outflows,

Noting that disarmament of the parties to the conflict is an important element in improving the human rights situation,

Deploring continued attacks against United Nations personnel and personnel of other humanitarian organizations and non-governmental organizations in Somalia, sometimes resulting in serious injury or death,

Recalling that the World Conference on Human Rights urged that the advisory services and technical assistance programmes of the United Nations system should

be able to respond immediately to requests from States for educational and training activities in the field of human rights, as well as for special education concerning standards as contained in international human rights instruments and in humanitarian law and their application to special groups such as military forces, law enforcement personnel, police and the health profession,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems,

Recognizing also the right of the Somali people to take part in the governance of their country directly or through freely chosen representatives, including the right of equal access to public service,

Emphasizing the importance to that process of developing the Somali police, judicial and penal systems, as well as other institutions for the promotion and protection of human rights, and welcoming the efforts to date by the United Nations Operation in Somalia II in that regard,

Welcoming the establishment of the human rights unit within the United Nations Operation in Somalia II,

Noting the report of the Independent Expert (E/CN.4/1994/77 and Add. 1),

Noting in particular that the development of a long-term programme of advisory services as envisaged in the mandate of the Independent Expert must depend on the final resolution of the political disputes amongst the Somali factions,

1. Urges all parties to the conflict in Somalia to work towards the full implementation of the Addis Ababa Agreement of 27 March 1993;

2. Also urges all Somalis to work together towards peace and security in Somalia and to guarantee the protection of all human rights and fundamental freedoms for all Somalis;

3. Calls upon all parties in Somalia to respect international humanitarian law and human rights and criminal justice standards and to protect civilians, United Nations personnel and humanitarian relief workers from injury and death, and reaffirms the applicability of those human rights standards for all parties in Somalia;

4. Reaffirms the need to protect the Somali people against any violations of their human rights by any person or persons and takes note of the recommendation of the Independent Expert that the human rights unit of the United Nations Operation in Somalia II be strengthened and expanded to be able to deal effectively with any alleged violations of human rights and that the unit be enabled to provide assistance to any Somali, non-governmental human rights organization throughout the country;

5. Urges the human rights unit to report regularly on its activities and that such reports be made publicly available;

6. Also urges the human rights unit to continue to pay particular attention to the provision of assistance with regard to strengthening the police, judicial and prison systems in Somalia, in a manner consistent with internationally accepted criminal justice standards, including the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

7. Requests the Secretary-General to extend for 12 months the mandate of the Independent Expert to assist the Special Representative of the Secretary-General for Somalia through the development of a long-term programme of advisory services for re-establishing human rights and the rule of law, and to widen the Independent Expert's mandate to allow him to seek and receive information about and report on the human rights situation in Somalia, in an effort to prevent human rights violations;

8. Also requests the Secretary-General to provide adequate resources, from within the overall regular budget of the United Nations, to fund the activities of the Independent Expert and the Centre for Human Rights, and invites Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

9. Requests the Independent Expert to report to the Commission at its fifty-first session on conditions in Somalia and the implementation of the present resolution;

10. Decides to continue consideration of the question at its fifty-first session under the agenda item entitled "Advisory services in the field of human rights".

56th meeting
4 March 1994
[Adopted without a vote.]

1994/61. Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Taking note of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed on 23 October 1991, including part III relating to human rights,

Recalling Commission on Human Rights resolution 1993/6 of 19 February 1993 and General Assembly resolution 48/154 of 20 December 1993,

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that Cambodia's tragic recent history requires special measures to assure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Paris Agreements,

Welcoming the elections of May 1993 and the inauguration of the Royal Government of Cambodia,

1. Welcomes the establishment of the operational presence of the Centre for Human Rights in Cambodia on 1 October 1993 to implement the activities set out in paragraph 2 of Commission on Human Rights resolution 1993/6 of 19 February 1993;

2. Also welcomes the appointment by the Secretary-General of a Special Representative to undertake the tasks set out in paragraph 6 of Commission on Human Rights resolution 1993/6;

3. Takes note with satisfaction of the exchange of letters between the Secretary-General and the Royal Government of Cambodia concerning the consent of the Government for the fulfilment of the activities of the Centre for Human Rights and the mandate of the Special Representative in Cambodia;

4. Notes with interest the programme of activities of the Centre for Human Rights in Cambodia, as described in the report of the Special Representative of the Secretary-General (E/CN.4/1994/73);

5. Requests the Secretary-General to assure the promotion and protection of the human rights of all people in Cambodia and to ensure sufficient resources, from within existing overall United Nations resources, for the full implementation of the mandate of the Centre for Human Rights and that of the Special Representative;

6. Takes note of the transfer of responsibility for the management of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia from the United Nations Transitional Authority in Cambodia to the Centre for Human Rights, in order to allow the Centre to implement its programme of activities in Cambodia in accordance with the Commission on Human Rights mandate, as set out in paragraph 2 of Commission on Human Rights resolution 1993/6;

7. Invites Governments and interested organizations to contribute to the United Nations Trust Fund for a Human Rights Education Programme in Cambodia;

8. Takes note with interest of the report of the Special Representative of the Secretary-General on the situation of human rights in Cambodia (E/CN.4/1994/73) and his recommendations and conclusions (E/CN.4/1994/73/Add.1), in particular the identification of priority areas requiring urgent attention, namely:

(a) The devotion of proper resources for hospitals, schools, courts and for the defence of cultural treasures, especially Angkor Wat;

(b) The support of the National Assembly Human Rights Commission including financial assistance for a proper secretariat, equipment and training;

(c) The enactment of laws and related activities in specially urgent areas;

(d) The implementation of training programmes aimed at the promotion and protection of civil rights;

(e) Ensuring true independence of the judiciary;

9. Requests the Centre for Human Rights to assist, with the consent and cooperation of the Royal Government of Cambodia, in providing advice with respect to the creation of an independent national institution for the promotion and protection of human rights, such as an ombudsman or a human rights commission;

10. Also requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Royal Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to women and vulnerable groups, including children and refugees;

11. Expresses grave concern at the indiscriminate use of anti-personnel land-mines in Cambodia and the devastating consequences and destabilizing effects such mines have on Cambodian society;

12. Requests the Secretary-General to renew the mandate of the Special Representative as set out in paragraph 6 of Commission on Human Rights resolution 1993/6;

13. Decides to review the respective programmes and mandates set out in its resolution 1993/6 at its fifty-first session;

14. Requests the Special Representative of the Secretary-General to report to the Commission on Human Rights at its fifty-first session and to provide an interim report to the General Assembly at its forty-ninth session;

15. Decides to continue its consideration of this matter at its fifty-first session under the agenda item entitled "Advisory services in the field of human rights".

57th meeting
4 March 1994

[Adopted without a vote.]

1994/62. El Salvador

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its resolution 1993/93 of 10 March 1993, and the statement by the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 20 August 1993 (E/CN.4/1994/2 - E/CN.4/Sub.2/1993/45, para. 245),

Recalling also General Assembly resolution 48/149 of 20 December 1993,
Taking note of the report of the Independent Expert (E/CN.4/1994/11),
Convinced that full and speedy implementation of the outstanding commitments of the Peace Accords is necessary in order to guarantee full respect for human rights and the consolidation of the reconciliation and democratization process under way in El Salvador,

Concerned by the fact that, in spite of the improvements made in the field of human rights, continuing acts of violence, such as the recent assassinations, attacks and threats against members of various political parties, could affect the peace and national reconciliation process,

Welcoming in this regard the efforts of the Secretary-General in cooperation with the Government of El Salvador, to establish the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups, which is to conduct an impartial and independent investigation into the activities of such groups and their consequences as regards political violence,

Recognizing that the work of the Secretary-General of the United Nations and his representatives and the monitoring carried out by the United Nations Observer Mission in El Salvador, in particular its Human Rights Division, have contributed significantly to the success of the Peace Accords,

Recognizing also that the effective protection of human rights calls for continued strengthening of and support for the judicial system to help to eliminate impunity and thus ensure the full attainment of the rule of law,

Recognizing with satisfaction the fulfilment of most of the commitments made by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional,

Considering that a commitment was made to implement the recommendations of the Human Rights Division of the United Nations Observer Mission in El Salvador and the Commission on the Truth, and emphasizing that a new process for the full implementation of the peace and national reconciliation agreements is under way,

Taking into account the general elections to be held in El Salvador on 20 March 1994 within a climate of peace achieved by the people of El Salvador,

Recalling the commitment of 5 November 1993 by the presidential candidates to abide by the peace and reconciliation agreements,

Aware that the international community must continue to support all efforts by the Government of El Salvador to consolidate peace, ensure full respect for human rights and undertake the reconstruction of El Salvador,

1. Expresses its thanks to the Independent Expert for his work and takes note of the report submitted in accordance with his terms of reference (E/CN.4/1993/11) and regrets that circumstances did not permit him to visit El Salvador;

2. Expresses its satisfaction and gratitude to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional for having fulfilled most of the commitments made and having overcome a number of obstacles to the implementation of the agreements, within the framework of the peace and reconciliation process;

3. Recognizes the work of the Governments of Colombia, Spain, Mexico and Venezuela, which make up the Group of Friends of the Secretary-General, and of the Government of the United States of America in supporting the peace process in El Salvador;

4. Recognizes that, while there have been improvements in the situation of human rights in El Salvador, some negative concerns still exist regarding the observance of the right to life and that the capacity of the judicial system to shed light on and punish human rights violations continues to be unsatisfactory;

5. Urges the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to intensify their efforts to continue and complete the land transfer programme, the programme for the reintegration of former combatants into society, the deployment of the new National Civil

Police, the collection of weapons in the private hands of the armed forces and the adoption of the Act on Private Security Services, in accordance with the agreements;

6. Expresses its belief that it is important to continue strengthening the Office of the National Counsel for the Defence of Human Rights and to carry out the agreed judicial reforms to ensure its independence and impartiality;

7. Commends the Government of El Salvador on the establishment of the Inter-institutional Investigating Group to investigate human rights violations and punish those responsible, and of the Joint Group for the Investigation of Illegal Armed Groups, set up on the initiative of the Secretary-General and recommended by the Commission on the Truth, and urges all sectors of Salvadorian society to cooperate with that investigation;

8. Reiterates its gratitude for the important work being carried out by the Secretary-General and his representative and by the United Nations Observer Mission in El Salvador, and extends to them its support so that they can continue to take all necessary steps to contribute to the successful implementation of the Peace Accords;

9. Requests the Secretary-General to provide the Government of El Salvador with any advisory services it may request, through the Centre for Human Rights;

10. Reaffirms its confidence that the elections of 20 March 1994 will strengthen national reconciliation and urges the people of El Salvador to participate in them;

11. Expresses its support for the statement of 5 November 1993, entitled "Commitment of the presidential candidates to peace and stability in El Salvador", in which the candidates inter alia solemnly committed themselves to maintain the constructive evolution of the peace process and to implement all the commitments contained in the Peace Accords and rejected any politically motivated violence or intimidation;

12. Decides to extend the mandate of the Independent Expert for one year, for the purpose of providing advisory services to El Salvador and reporting, with the close cooperation of the Human Rights Division of the United Nations Observer Mission in El Salvador and the Government of

El Salvador, on developments in human rights in El Salvador to the Commission on Human Rights at its fifty-first session under the agenda item "Advisory services in the field of human rights".

57th meeting
4 March 1994

[Adopted without a vote.]

1994/63. Question of trade union rights

The Commission on Human Rights,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights does not exempt or excuse States from the duty of promoting and protecting other rights,

Recalling that the right of everyone to form and to join trade unions is embodied in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and that this and other fundamental trade union rights are guaranteed by the freedom of association conventions of the International Labour Organisation,

Recognizing the most important role played by trade unions in efforts to achieve social justice,

Underlining the important role played by the International Labour Organisation in the protection and promotion of trade union rights,

Recognizing that workers' rights are given fuller expression in the International Labour Code, made up of the 174 Conventions and 181 Recommendations, of the International Labour Organisation,

Underlining the particular importance of the Conventions concerning Freedom of Association (Nos. 87 and 98), Discrimination (Nos. 100 and 111) and Forced Labour (Nos. 29 and 105) of the International Labour Organisation,

Recalling that the Declaration on the Right to Development, adopted by the General Assembly on 4 December 1986 (resolution 41/128, annex), calls on States to encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights,

Noting that the World Conference on Human Rights supported all measures by the United Nations and its relevant agencies to ensure the effective promotion and protection of trade union rights, and called on all States to abide fully by their obligations contained in this regard in international instruments,

Considering that trade unions can contribute most significantly to the realization of effective popular participation and thus to development,

Recalling its resolutions 1990/16 of 23 February 1990 and 1992/12 of 21 February 1992 in which it expressed deep concern that in many countries

persons exercising their trade union rights in striving for a more just society and human dignity were subject to serious violations of their fundamental human rights, including their right to life, and appealed to States to ensure the conditions for the free and full exercise of trade union rights,

Regretting that violations of trade union rights have continued in many countries since then,

1. Appeals to States to ensure that conditions are such that all persons under their jurisdiction can exercise their right to organize and to form and join trade unions for the protection of their interests;

2. Invites Member States that have not yet done so to ratify and apply in full the International Covenants on Human Rights as well as the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) of the International Labour Organisation and to support the increasingly important work of that Agency;

3. Calls upon States to involve representative trade union organizations in effective processes of popular participation and development, including through appropriate consultative mechanisms;

4. Urges States to work for the provision of a healthy and safe workplace including through consultation and cooperation;

5. Encourages Member States to remove all forms of discrimination in the workplace and invites all States which have not yet done so to ratify and apply in full the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Equal Remuneration Convention, 1951 (No. 100), with a view to eliminating discrimination against women through adoption of the principle of equal pay for work of equal value.

57th meeting

4 March 1994

[Adopted without a vote.]
